

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
:
V. : 1:19CR54-1
:
STEVE BRANTLEY SPENCE :

JOINT MOTION TO CONTINUE AND FOR A STATUS CONFERENCE

The Defendant and the United States, by and through undersigned counsel, hereby move to continue the trial of this matter until a date certain in August 2020 and for a status conference to set a trial date and discuss any issues which should be resolved pretrial. In support thereof, counsel states as follows:

The trial of this action is presently scheduled to begin on May 18, 2020. Prior to the COVID-19 pandemic, the parties were working diligently in an effort to prepare for trial on the scheduled date. The Government was in the process of issuing subpoenas when the COVID-19 pandemic halted normal court and law enforcement operations.

During the current COVID-19 pandemic, public health authorities and this Court, in its Amended Standing Order 13, recommend avoiding close personal contact with other persons who are or might be infected with COVID-19 because of the health risks associated with such contact, and the risk of asymptomatic persons

introducing COVID-19 into local detention centers. These same concerns would be applicable to witnesses traveling and appearing in court, as well as jurors appearing in court and deliberating with each other. It will be impossible to adhere to the social distancing orders or practices recommended.

Defense counsel is required to meet with the Defendant to review discovery, medical records, develop factual information, and to otherwise prepare for trial. Counsel is now prohibited from meeting in person with the Defendant at the jail. Telephone and video conferencing will not be an adequate substitute for meeting in person and reviewing the discovery and other records in this case.

Counsel for the Defendant has presented to the Government numerous pages of medical records to be reviewed by the Government's expert witness in preparation for trial. As of this date, the Government has not received a report from its expert. Upon receipt of the report, the Government will need time to review the report and provide Defense counsel with a copy of the report for review.

The COVID-19 pandemic presents the court and the parties with an extraordinary situation which complicates the normal flow of a criminal case in this district. Undersigned counsel submit, for the reasons stated above, that the ends of justice and the public health concerns are best served by granting this continuance, and

that they outweigh the interests of the public and the Defendant in a speedy trial. Accordingly, the Defendant agrees that any delay occasioned by the granting of this continuance be excluded in computing the time within which the trial of this matter must commence. See Title 18, United States Code, Section 3161(h)(7)(A).

WHEREFORE, the Defendant and the United States hereby move for an order continuing the trial of this matter to a date certain in August, 2020, and for a status conference be scheduled in this matter to discuss pretrial issues or other matters which might affect the trial of this matter.

Respectfully submitted this the 23rd day of April, 2020.

/s/ Gregory Davis
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